

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America)

v.)

Case No. 21-mj-2689)

JAMES EDWARD COWAN)
a/k/a JAMES EDWARD LILLARD)_____
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 12, 2021 in the county of Davidson in the
Middle District of Tennessee, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, United States Code Sections 922(g)(1) and 924	Felon in possession of a firearm
Title 18, United States Code Section 924(c)	Possession of a firearm in furtherance of a drug trafficking crime
Title 21, United States Code Section 841(a)(1)	Possession of a controlled substance with the intent to distribute it

This criminal complaint is based on these facts:

See attached statement in support of complaint.

☒ Continued on the attached sheet._____
Complainant's signature

S/A Reginald Johnson, ATF

*Printed name and title*Sworn to me remotely by telephone, in compliance with
Fed. R. Crim. P. 4.1.Date: January 19, 2021_____
*Judge's signature*City and state: Nashville, Tennessee

Hon. Jeffery S. Frensley

Printed name and title

STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT

I, Reginald Johnson, being first duly sworn on oath, state as follows:

Introduction

1. I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since 2016. I am currently assigned to the Nashville Field Office and have participated in numerous investigations that fall under the investigative jurisdiction of ATF including, but not limited to, violations involving the unlawful manufacture and possession of firearms and controlled substances. Prior to being an ATF Special Agent, I was a United States Secret Service (USSS) special agent for approximately nine years.

2. The information contained in this Affidavit is based on my training and experience as well as information provided to me by other law enforcement officials. I have not included all of the facts of the investigation that I know. I have only included the facts that are necessary to establish probable cause for the arrest of James Edward COWAN a/k/a James Edward LILLARD (hereinafter COWAN).

3. This Affidavit is submitted in support of a Criminal Complaint for the arrest of COWAN for knowingly possessing a firearm after COWAN was convicted of a felony offense in violation of Title 18, United States Code, Section 922(g)(1) and 924; possessing a firearm in furtherance of a drug trafficking crime, in violation of United States Code, Section 924(c) and possessing with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

Probable Cause

4. On January 12, 2021, Detectives with the Metropolitan Nashville Police Department (MNPd) conducted a surveillance operation in the area of the La Quinta Inn (located at 4311 Sidco Drive, Nashville, Tennessee 37204) in an attempt to locate and arrest COWAN who was subject to an active arrest warrant issued in Davidson County, Tennessee for the criminal homicide of CK on December 3, 2020 on I-440 in Nashville, Tennessee. While conducting surveillance, MNPd Detectives observed a silver Chevrolet Malibu drive into the La Quinta Inn parking lot and park. MNPd Detectives observed an individual who matched the description of COWAN exit the hotel and load several items into the Chevrolet Malibu. MNPd Detectives then observed the individual enter the front passenger side of the Chevrolet Malibu. Shortly thereafter, the Chevrolet Malibu was observed departing the La Quinta Inn. Utilizing aerial assets, MNPd Detectives maintained visual surveillance of the Chevrolet Malibu as it traveled the Nashville area.

5. MNPd Detectives observed the Chevrolet Malibu travel to the area of 300 Hickory Hollow Place, Nashville, Tennessee and reverse into a parking space. Once parked, MNPd Detectives observed the passenger and determined the subject was in fact COWAN. Upon confirmation, MNPd Detectives approached the Chevrolet Malibu and COWAN was taken into custody without incident.

6. MNPd Detectives conducted a search of COWAN's person incident to arrest. In COWAN's right front pants pocket, MNPd Detectives located and seized a large plastic bag containing 238 Xanax pills and approximately 5.3 grams of a white powder substance which field tested positive for the presence of fentanyl. In COWAN's left front pants pocket, MNPd Detectives located \$2,159.00. MNPd Detectives then conducted a search of the Chevrolet Malibu

and located an unlabeled plastic bottle within the center console. Inside this bottle, MNPB Detectives located and seized 19 suspected Alprazolam pills, 56 suspected Adderall pills, 6 suspected Oxycodone pills, 1 suspected Amoxicillin pill, and 1 suspected Amphetamine pill. These pills will be forwarded to the appropriate laboratory for testing. Also during the search, MNPB Detectives located a bag in the back seat which was found to contain a Glock 19, 9x19 caliber pistol with an extended magazine, a Kimber ULTRA .45ACP caliber pistol, and 202 grams of suspected marijuana packaged in a plastic bag. COWAN was subsequently transported to the Davidson County jail.

7. Shortly after the arrest of COWAN, MNPB Homicide Detectives interviewed the driver of the Chevrolet Malibu (hereinafter “DC”) and the interview was audio and video recorded by MNPB Homicide detectives. In summary, DC acknowledged being the driver of the Chevrolet Malibu and stated all the narcotics and firearms located in the Chevrolet Malibu belonged to COWAN. DC acknowledged knowing that COWAN possessed an arrest warrant for homicide when DC picked COWAN up from the La Quinta Inn hotel. DC was later charged by the MNPB for aiding COWAN in eluding Law Enforcement.

8. An ATF Firearms Nexus Expert examined the aforementioned pistols and determined the pistols were firearms within the meaning of Title 18, United States Code, Section, 921(a)(3). The Firearms Nexus Expert also determined that the firearms were not manufactured in the State of Tennessee. Thus, the firearms travelled in and affected interstate commerce.

9. At the time COWAN possessed the aforementioned firearms, he was a prohibited person based on his status as a convicted felon. A background check on COWAN revealed that on June 29, 2011 in the Criminal Court of Davidson County, Tennessee, in Case # 2010-B-730,

COWAN was convicted of Robbery. The sentence that was imposed for this offense was six years of incarceration. The judgment form I have reviewed indicates that COWAN pleaded guilty to this offense and punishment therefore I submit that there is probable cause to believe that COWAN knew he had previously been convicted of a crime involving a punishment greater than one year prior to January 12, 2021.

Conclusion

10. Based upon the foregoing facts, I believe there is probable cause to believe that COWAN knowingly possessed a firearm after COWAN was convicted of a felony offense, in violation of Title 18, United States Code, Section 922(g)(1) and 924; possessed a firearm in furtherance of a drug trafficking crime, in violation of United States Code, Section 924(c); and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841 all of which occurred within the Middle District of Tennessee.